

1. I am an associate at the law firm of Kasowitz, Benson, Torres & Friedman LLP, counsel for Plaintiffs Metropolitan Life Insurance Company and Metropolitan Tower Life Insurance Company, successor by merger to Metropolitan Insurance and Annuity Company (collectively, “MetLife”). I submit this declaration in support of MetLife’s opposition to the motion of Credit Suisse Securities (USA) LLC, formerly known as Credit Suisse First Boston LLC (“Credit Suisse”), to transfer this action to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1404(a), and in support of MetLife’s Cross-Motion to Consolidate Cases for Trial.

2. Attached as Exhibit A is a true and correct copy of *In re National Century Financial Enterprises, Inc., Investment Litigation*, No. 2:03-md-1565, 2012 U.S. Dist. LEXIS 27522 (S.D. Ohio Mar. 2, 2012).

3. Attached as Exhibit B is a true and correct copy of the Declaration of Mei-Feng Tau, submitted in support of MetLife's Opposition to the Consolidated Motion of Credit Suisse for Summary Judgment, dated April 23, 2009.¹

4. Attached as Exhibit C is a true and correct copy of the Docket Report for *New York City Employees' Retirement System, et al., v. Bank One, N.A., et al.*, No. 1:03-cv-09973 (S.D.N.Y.), which was printed on May 16, 2012.

5. Attached as Exhibit D is a true and correct copy of MetLife's Fourth Amended Complaint in the above-captioned action, dated January 17, 2006.

6. Attached as Exhibit E is a true and correct copy of Lloyds TSB Bank plc's Fourth Amended Complaint in *Lloyds TSB Bank plc v. Bank One, N.A., et al.*, CV03-2784 (D.N.J.) (SDW)(MCA), dated January 17, 2006.

7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed: May 21, 2012

At: New York, New York


Sarah Gibbs Leivick

¹ The Tau Declaration includes voluminous exhibits, which were filed at MDL D.E. #1567 and are part of the Stipulated Record on Remand, but have not been included here due to volume. If the Court would like to review any of the exhibits, MetLife will provide them.